



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michael J. Kasper, Esq.
Fletcher, Topol & O'Brien, P.C.
Suite 300
222 N. La Salle Street
Chicago, Illinois 60601-1013

JUL 29 2002

RE: MUR 5127

Dear Mr. Kasper:

On November 1, 2000, the Federal Election Commission notified the Democratic Party of Illinois ("DPI") and you, as treasurer, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time. On January 5, 2001, you submitted a response to the complaint on behalf of DPI, Michael Madigan as chairman, Timothy Mapes as executive director, and yourself as treasurer. You also submitted signed statements from Messrs. Madigan and Mapes designating you as their counsel in this matter.

Upon further review of the allegations contained in the complaint, and information provided by you in response to the complaint, the Commission, on July 16, 2002, found that there is reason to believe that the Democratic Party of Illinois and you, as treasurer, violated 2 U.S.C. §§ 441a(f) and 434(b), which are provisions of the Act. The Commission also found reason to believe that your client, Timothy Mapes, as executive director of the Democratic Party of Illinois, violated 2 U.S.C. § 441a(f). The Factual and Legal Analysis, which formed a basis for the Commission's findings, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Statements should be submitted under oath. All responses to the enclosed Order to Answer Questions and Subpoena to Produce Documents must be submitted to the General Counsel's Office within 30 days of your receipt of this letter. Any additional materials or statements you wish to submit should accompany the response to the order and subpoena. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

MUR 5127

Letter to Michael J. Kasper

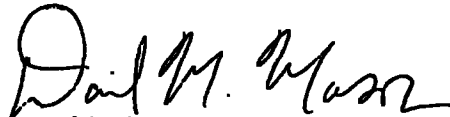
If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

If you have any questions, please contact Brant Levine, the attorney assigned to this matter, at (202) 694-1572.

Sincerely,


David M. Mason
Chairman

Enclosures

Orders and Subpoenas (2)

Factual and Legal Analysis

FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Democratic Party of Illinois
Michael J. Kasper, as treasurer
Timothy Mapes, as executive director

MUR: 5127

I. GENERATION OF MATTER

This matter was generated by (1) a complaint filed with the Federal Election Commission ("Commission") by Bradley Goodrich, the Executive Director of the Republican Party of Illinois ("Complainant"), that alleged violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), and (2) by the Commission in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(1) and (2).

II. FACTUAL AND LEGAL ANALYSIS

A. LAW

The Act defines "contribution" to include either (1) "any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for federal office" or (2) "the payment by any person of compensation for the personal services of another person which are rendered to a political committee without charge for any purpose." 2 U.S.C. § 431(8)(A). The term "anything of value" includes all in-kind contributions. 11 C.F.R. § 100.7(a)(1)(iii)(A). Examples of in-kind contributions include use of facilities, supplies, and personnel. *Id.* Contributions to political committees must be reported in accordance with the Act. 2 U.S.C. § 434(b).

The Act and the regulations contain exceptions to the definition of contribution. First, individual volunteer activity does not qualify as a contribution. 2 U.S.C. § 431(8)(B)(i). Second,

with regard to paying for the personal services of another who performs services to a committee, no contribution results if an hourly or salaried employee makes up the time spent working on political activity within a reasonable amount of time. 11 C.F.R. § 100.7(a)(3)(i). Similarly, no contribution results if the employee is paid on a commission or piecework basis or if the employee uses vacation time to render services to a committee. 11 C.F.R. § 100.7(a)(3)(ii) and (iii).

The Act also provides that no person shall make contributions to any political committee (other than a national political party committee) with respect to any election for federal office that, in the aggregate, exceed \$5,000. 2 U.S.C. § 441a(a)(1)(C). "Person" is defined as "an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons, but such term does not include the Federal Government or any authority of the Federal Government." 2 U.S.C. § 431(11). Political committees and their officers and employees are prohibited from knowingly accepting any contributions in excess of the Act's limitations. 2 U.S.C. § 441a(f); 11 C.F.R. § 110.9(a).

B. FACTUAL SUMMARY

Respondent Democratic Party of Illinois ("DPI") is registered with the Commission as the Democratic state party committee in Illinois and has federal and nonfederal accounts. It is undisputed that Timothy Mapes is the Executive Director of DPI and that he is also the Chief of Staff to the Speaker of the Illinois House, Michael J. Madigan. It is also undisputed that Mr. Mapes receives a state salary in the latter role.

Complainant alleged that Mr. Mapes' role as DPI's Executive Director is a full-time position. He based this allegation on the fact that DPI has raised millions of dollars in federal funds during Mr. Mapes' tenure as Executive Director, concluding that "the Democratic Party

cannot credible [*sic*] argue that it has done this without a full time Executive Director."

Complaint, p. 1, n. 1. Complainant further alleged that, since 1998, DPI has made only one "payroll check" payment to Mr. Mapes, for \$2,773.36 in October 1998. (DPI's 1998 Post-General Report discloses this payment to Mr. Mapes.) Thus, Complainant concluded "the State of Illinois is paying for Mr. Mapes to be the Democratic Party of Illinois Executive Director."

Having alleged that the State has made excessive contributions to DPI, Complainant estimated the amount of the contribution as follows: "Assuming a biweekly salary of \$2,773.36 as shown on that one report, this means the State is contributing at least \$72,000 to the Democratic Party of Illinois each year." Complaint, p. 2. The complaint did not address the issue of characterizing this alleged contribution as federal or nonfederal.

DPI began its response by pointing out "[t]here are at least two ways that Mr. Mapes can act as DPI's Executive Director without compensation from DPI. First, Mr. Mapes could volunteer his services during non-employment time. Second, Mr. Mapes could, even during employment time, use bona fide vacation or other earned leave time." Letter of Michael J. Kasper ("DPI response"), pp. 2-3. After making this statement, however, DPI never directly claimed that Mapes provided volunteer personal services to DPI or that he used vacation or leave time to work for DPI, although the response is obviously crafted to imply such defenses.

The response expressly cited 11 C.F.R. § 100.7(b)(3) and relevant Advisory Opinions about volunteer personal services, and then stated, "Here, the Complaint does not allege, much less prove, that Mr. Mapes did not volunteer his time to DPI." DPI response, p. 3. Similarly, DPI cited 11 C.F.R. § 100.7(a)(3)(iii) and relevant Advisory Opinions about use of leave time, etc. for political activities, and then wrote, "Once again, the Complaint does not allege that Mr.

Mapes is not using bona fide vacation or other leave time while acting as DPI's Executive Director." *Id.*

DPI also argued that the State could not make a contribution because it is not a "person" under the Act. DPI also argues that the Commission should decline to act on the complaint because it is "politically motivated" and because several years have passed since the underlying events occurred. DPI response, p. 5.

C. ANALYSIS

1. *Applicability of the Act to States*

As a threshold matter, the Commission must address DPI's contention that the Act's contribution limits do not apply to states. If Illinois is not a "person" subject to the Act's limits, it could potentially provide unlimited in-kind contributions to DPI. The Commission, however, has previously made clear that states are "persons" and are thus subject to contribution limits.

The Commission's treatment of states as "persons" began after the Act was amended in 1979 to exclude the federal government from the definition of "person."¹ Because Congress took specific action to preclude the federal government but not States from making a contribution, the Commission was given implicit authority to hold States liable under the Act's contribution

¹ According to the legislative history, the amendments were adopted because misuse of federal funds is a violation of federal law subject to enforcement by other agencies. See H.R. Rep. No. 422, 96th Cong., 1st Sess. (1979), contained in *Legislative History of the Federal Election Campaign Act Amendments of 1979*, Federal Election Commission, (1983) at 190-191. Prior to the 1979 amendments, the Commission did not treat states as "persons." In MUR 246 (Jimmy Carter), for example, the Office of General Counsel wrote in a report to the Commission that "there appears to be no legislative history to support a finding that a sovereign state is a person within the meaning of the Act." Accordingly, the Commission found no reason to believe that the State of Georgia violated the Act by printing a book that featured then-Governor Carter.

limits.² For example, in MUR 1686, the Commission found reason to believe that North Carolina made an excessive, in-kind contribution to then-Governor Jim Hunt. Governor Hunt had traveled on state-owned helicopters during his Senate campaign. The Commission took no further action against North Carolina after Hunt's committee fully reimbursed the state for use of the aircraft.³

Other enforcement matters also have noted the applicability of the Act to states. In MUR 3986, which also involved a governor using state aircraft for federal campaign travel, the Commission found reason to believe that Virginia violated the Act's contribution limits. Additionally, in MUR 5082, the Commission found reason to believe that a federal candidate's committees accepted an excessive contribution where a state employee allegedly was ordered to work on a congressional campaign during her normal working hours.⁴ Most recently, in MUR 5135, the Commission unanimously adopted the General Counsel's analysis that Texas was subject to the Act's contribution limits in finding no reason to believe based on other grounds.

Advisory opinions also have applied the Act's contribution limits to states. For example, in Advisory Opinion 1999-7, the Commission told Minnesota that a proposed Internet site was permissible under the nonpartisan voter-drive exemption. The Commission made this determination, though, after noting that states are not excluded from the Act's definition of

² This interpretation is consistent with the traditional canon of statutory interpretation known as *expressio unius est exclusio alterius* (the inclusion of one is the exclusion of others). See, e.g., *Christensen v. Harris County*, 529 U.S. 576, 583 (2000) (accepting the maxim that when a statute limits something to be done in a particular mode, it includes a negative of any other mode); see also Norman Singer, *Statutes and Statutory Construction* § 41:23 (6th ed.) (available in the FEC library).

³ In MUR 2074, however, decided the same year as *Hunt*, the Commission failed to find reason to believe that the State of New York violated the Act with respect to possible in-kind contributions provided by Charles Schumer's state Assembly staff. Because this MUR was decided before the Commission began issuing statements of reasons, there is no indication of why the Commission voted to find no reason to believe the Act was violated in this matter.

⁴ Because of unresolved issues of who knew of the employee's activities, the Commission took no action against the Commonwealth of Pennsylvania in MUR 5082.

“person.”⁵ Similarly, Advisory Opinion 2000-5, which dealt with the applicability of the Act to Indian tribes, stated, “the Commission has made clear that State governments and municipal corporations are persons under the Act and are subject to its contribution provisions.” Thus, the State of Illinois is a person capable of making a contribution under the Act.

2. Alleged In-Kind Contributions

Because Illinois is a “person” subject to the Act’s contribution limits, the next issue is whether DPI received an excessive, in-kind contribution resulting from Mr. Mapes’ activities. DPI’s response to this allegation is awkward and ambiguous in that DPI never unequivocally claims that Mr. Mapes volunteered his personal services on his off-duty hours or that he used *bona fide* personal leave to work for DPI during normal business hours. DPI’s citations to the relevant Commission regulations (i.e., 11 C.F.R. § 100.7(b)(3) and 11 C.F.R. § 100.7(a)(3)(iii)) indicate that it understands the law, but it never affirmatively claims the exemptions applied to Mr. Mapes’ particular conduct.

The response argued about what the complaint does not allege, while making few relevant, positive assertions. For example, in the concluding paragraph of this part of its argument, DPI wrote:

Nothing in this Complaint distinguishes Mr. Mapes from the tens of thousands, if not millions, of Americans who volunteer their time and energy for political candidates and parties each year. If a Complaint as deficient as this is permitted to stand, then every employed person who volunteers on behalf of a political candidate risks being called to defend themselves from frivolous, unsubstantiated claims like this one. It is difficult to imagine a scenario that would deter political volunteerism more. DPI response, p. 4.

However, nowhere in this concluding paragraph did DPI explicitly state that Mr. Mapes was such a volunteer.

⁵ Indeed, the Commission would not have even needed to discuss the nonpartisan voter-drive exemption if the Act’s contribution limits did not apply to states.

DPI's response is also conspicuously devoid of statements from Mr. Mapes himself. As DPI's Executive Director, he is presumably available to DPI. Yet DPI provides no affirmative statement from Mr. Mapes swearing that he never performed activities for DPI during his normal working hours for the Speaker. Mr. Mapes' silence evidences a critical factual void that requires further investigation.

If an investigation shows that Mr. Mapes did indeed perform activities for DPI during his normal working hours for the State, then DPI may have received a contribution from the State because the State paid Mr. Mapes' salary. *See* 2 U.S.C. § 431(8)(A)(ii). Further, if the value of Mr. Mapes' services exceeded \$5,000, then DPI and/or Mr. Mapes may have accepted a contribution in excess of the Act's limitations. *See* 2 U.S.C. §§ 441a(a)(1)(C) and 441a(f). Therefore, there is reason to believe that the Democratic Party of Illinois and Michael J. Kasper, as treasurer, and Timothy Mapes, as executive director, violated 2 U.S.C. § 441a(f).

Finally, the Commission notes that DPI has not reported receiving any contributions that may have resulted from Mr. Mapes performing activities for DPI during his normal working hours for the State. *See* 2 U.S.C. § 434(b). Therefore, there is also reason to believe that the Democratic Party of Illinois, and Michael J. Kasper, as treasurer, violated 2 U.S.C. § 434(b).

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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MUR 5127

SUBPOENA TO PRODUCE DOCUMENTS
ORDER TO SUBMIT WRITTEN ANSWERS

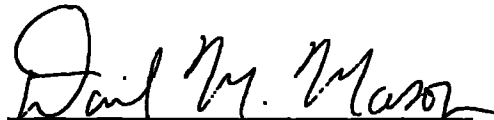
TO: Democratic Party of Illinois
c/o Michael J. Kasper
Fletcher, Topol & O'Brien, P.C.
Suite 300
222 N. La Salle Street
Chicago, Illinois 60601-1013

Pursuant to 2 U.S.C. § 437d(a)(1) and (3), and in furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby orders you to submit written answers to the questions attached to this Order and subpoenas you to produce the documents requested on the attachment to this Subpoena. Legible copies which, where applicable, show both sides of the documents may be substituted for originals.

Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within 30 days of receipt of this Order and Subpoena.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand in Washington, D.C. on this 26th day of July, 2002.

For the Commission,



David M. Mason
Chairman

ATTEST:



Mary W. Dove
Secretary of the Commission

Attachments

Instructions and Definitions (2 pages)

Questions and Document Requests (1 page)

MUR 5127

Subpoena to Democratic Party of Illinois

INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1998 to the present.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

MUR 5127

Subpoena to Democratic Party of Illinois

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"DPT" shall mean you.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

MUR 5127

Subpoena to Democratic Party of Illinois

QUESTIONS AND REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Does Mr. Timothy Mapes now, or has he ever, held any official position in DPI? If so, for each period of such service with DPI, state his job title, a detailed description of his duties, his supervisors, his normal working hours, the average number of hours he spent per week on duties for DPI, the terms of his salary or compensation, and the beginning and end dates of each period of service.
2. List all financial or other compensation, including reimbursements, Mr. Mapes has received from DPI, including, but not limited to, the October 1998 payment of \$2,773.36. For each item listed, include the date of the compensation, the amount or type of compensation, and purpose of the compensation.
3. If you claim that Mr. Mapes volunteered his services to DPI, identify all such periods of time when he volunteered and describe the activities he performed. *See* 11 C.F.R. § 100.7(b)(3)
4. Produce all calendars, appointment books, telephone logs, schedules, and other documents that record or reflect Mr. Mapes' daily activities.
5. Produce all timesheets or other documents recording or reflecting Mr. Mapes' hours of work for DPI.
6. Produce all documents relating or referring to requests for reimbursements for expenses submitted by or made to Mr. Mapes.
7. Identify (consistent with the aforementioned definition of "identify") all paid employees of DPI, listing their titles, job descriptions, and terms of compensation.
8. Identify all persons at DPI (whether officers, agents, or employees) who may have knowledge of Mr. Mapes' employment, duties, and performance as executive director of DPI.
9. Identify all previous executive directors of DPI from 1992 through the present. For each such individual identified, state the dates of service, the individual's supervisors, the individual's normal working hours, the average number of hours per week the individual worked for DPI, the terms of salary and compensation, and whether the individual held any other employment in addition to duties for DPI.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

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MUR 5127

SUBPOENA TO PRODUCE DOCUMENTS
ORDER TO SUBMIT WRITTEN ANSWERS

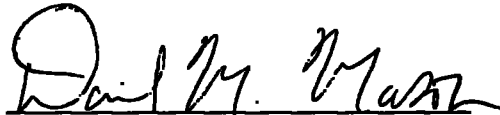
TO: Mr. Timothy Mapes
c/o Michael J. Kasper
Fletcher, Topol & O'Brien, P.C.
Suite 300
222 N. La Salle Street
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Such answers must be submitted under oath and must be forwarded to the Office of the General Counsel, Federal Election Commission, 999 E Street, N.W., Washington, D.C. 20463, along with the requested documents within 30 days of receipt of this Order and Subpoena.

WHEREFORE, the Chairman of the Federal Election Commission has hereunto set his hand in Washington, D.C. on this 26th day of July, 2002.

For the Commission,



David M. Mason

Chairman

ATTEST:



Mary W. Dove

Secretary of the Commission

Attachments

Instructions and Definitions (2 pages)

Questions and Document Requests (3 pages)

MUR 5127
Subpoena to Timothy Mapes

INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records and records maintained by any authority of the State of Illinois.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1998 to the present.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

MUR 5127
Subpoena to Timothy Mapes

DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean Mr. Timothy Mapes, and shall include his agents or attorneys on any person acting on his behalf or at his direction.

"DPI" shall mean the Democratic Party of Illinois.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and request for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

QUESTIONS AND REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Have you ever served in any official capacity with DPI? If so, for each period of such service with DPI, state your job title, a detailed description of your duties, your immediate supervisor, your normal working hours, the average number of hours you worked per week, the terms of your salary or compensation, and the beginning and end dates of each period of service.
2. List all financial or other compensation, including reimbursements, you have received from DPI. Include the date of compensation, the amount or type of compensation, and purpose of the compensation.
3. Are you now, or have you been, employed by the State of Illinois? If so, for each period of such service, state your job title, a detailed description of your duties, your immediate supervisor, your normal working hours, the average number of hours you worked per week, the terms of your salary or compensation, and the beginning and end dates of each period of service. Additionally, describe the regular process by which you request leave time and who approves such leave.
4. While employed by the State of Illinois, state the specific locations of any offices from which you regularly worked.
5. While employed by the State of Illinois, have you engaged in activity on behalf of DPI during the regular work period of your employer? If so, describe each activity you performed on behalf of DPI during your regular work hours, the date of the activity, the amount of time you spent on the activity, and identify any other person who was aware of such activity. Additionally, provide your best estimate of the average amount of time spent on activity for DPI per week during your employment with the State of Illinois.
6. If you have engaged in activity for DPI during what would otherwise be your normal working hours for the State of Illinois, do you claim that the taken or released time spent on DPI activities was made up within a reasonable amount of time? See 11 C.F.R. § 100.7(a)(3)(i). If you do so claim, identify all such periods of time and provide documentation that the time was made up within a reasonable amount of time.
7. If you have engaged in activity for DPI during what would otherwise be your normal working hours for the State of Illinois, do you claim that you used bona fide, although compensable, vacation time or other earned leave time to engage in some part or all of this political activity? See 11 C.F.R. § 100.7(a)(3)(ii). If you do so claim, identify all such periods of time and provide documentation of such leave time.
8. If you claim that you never engaged in activity for DPI during your normal working hours for the State of Illinois, approximate the dates, times, and locations when you did perform activities for DPI.

MUR 5127

Subpoena to Timothy Mapes

9. While employed by the State of Illinois, have you ever used any office equipment owned or maintained by the State of Illinois (whether or not during your regular working hours) to engage in activity on behalf of DPI? Office equipment includes, but is not limited to, telephones, facsimile machines, copiers, and computers.
 - a. Describe the location and make and model number of such piece of equipment you have used to engage in activity for DPI and describe your use of each piece of equipment, including the dates of use and the amount of time used.
 - b. Specifically state whether you ever sent any electronic messages from a computer located in any office of the State of Illinois in your capacity as an official of DPI, and if so, produce hard copies of all such messages.
 - c. Specifically state whether you have ever made any phone calls or sent any faxes from any office of the State of Illinois in your capacity as an official of DPI. List the telephone or facsimile numbers of any person you called and estimate the average number of local, long-distance, and facsimile calls you made each week.
 - d. Identify all persons who may be aware that you used office equipment to engage in activity on behalf of DPI.
 - e. Produce all documents that reflect or relate to your use of such office equipment, including any documents you prepared in your capacity as an official of DPI.
10. Produce all documents relating or referring to the rules, practices, or policies of the State of Illinois, as your employer, about political activity of employees during the employer's normal work period.
11. Produce all work-related calendars, appointment books, telephone logs, schedules, and other documents that record or reflect your daily activities during your regular working hours for the State of Illinois.
12. Produce all documents, including tax records, that reflect or relate to any compensation you received from DPI.
13. Produce all documents, including tax records, that reflect or relate to any compensation you received from the State of Illinois.
14. Produce all records and documents recording or reflecting your hours of work at both DPI and the State of Illinois, including, but not limited to, timesheets, attendance records, minutes of meetings, and leave slips.

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Subpoena to Timothy Mapes

15. Produce all calendars, appointment books, telephone logs schedules, and other documents that record or reflect your activities in your capacity as Executive Director of DPI.

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